

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CRYSTAL D. BAKER,

Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

)
)
)
)
)
)
)
)
)
)

4:06cv3056

MEMORANDUM AND ORDER

Before the court is filing no. 2, the application by the plaintiff, Crystal D. Baker, for leave to proceed in forma pauperis in this appeal from a decision by the Social Security Administration.

IT IS ORDERED:

1. Filing no. 2, the plaintiff's application for leave to proceed in forma pauperis is granted.

2. The Clerk of Court shall send a copy of this Memorandum and Order together with three summons forms and three Form 285s to the plaintiff's attorney of record for service of process on the United States; Fed. R. Civ. P. 4(m) requires service of process by no later than 120 days after the filing of a civil complaint.

3. The plaintiff shall, as soon as possible, complete the forms (see attached Notice for persons to be served) and send the completed summons and 285 forms back to the Clerk of Court. In the absence of those forms, service of process cannot occur.

4. Upon receipt of the completed summons and 285 forms, the Clerk shall sign the summons forms and forward them, together with copies of the complaint, to the U.S. Marshal for service on the United States.

5. The Marshal shall serve the United States, without payment of costs or fees. Service shall be effected pursuant to Fed. R. Civ. P. 4(i) regarding "[s]erving the United States, Its Agencies, Corporations, Officers, or Employees."

April 3, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

Notice regarding Federal Rule of Civil Procedure 4(i)

Federal Rule of Civil Procedure 4(i) regarding “[s]erving the United States, Its Agencies, Corporations, Officers, or Employees,” states:

(1) Service upon the United States shall be effected

(A) by delivering a copy of the summons and of the complaint to the **United States attorney for the district in which the action is brought** or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of the court or by sending a copy of the summons and of the complaint by registered or certified mail addressed to the civil process clerk at the office of the United States attorney and

(B) by also sending a copy of the summons and of the complaint by registered or certified mail to the **Attorney General of the United States** at Washington, District of Columbia, and

(C) in any action attacking the validity of an order of an officer or agency of the United States not made a party, by also sending a copy of the summons and of the complaint by registered or certified mail to **the officer or agency**.

(2) (A) Service on an agency or corporation of the United States, or an officer or employee of the United States sued only in an official capacity, is effected by serving the United States in the manner prescribed by Rule 4(i)(1) and by also sending a copy of the summons and complaint by registered or certified mail to the officer, employee, agency, or corporation.

(B) Service on an officer or employee of the United States sued in an individual capacity for acts or omissions occurring in connection with the performance of duties on behalf of the United States--whether or not the officer or employee is sued also in an official capacity--is effected by serving the United States in the manner prescribed by Rule 4(i)(1) and by serving the officer or employee in the manner prescribed by Rule 4 (e), (f), or (g).

(3) The court shall allow a reasonable time to serve process under Rule 4(i) for the purpose of curing the failure to serve:

(A) all persons required to be served in an action governed by Rule 4(i)(2)(A), if the plaintiff has served either the United States attorney or the Attorney General of the United States, or

(B) the United States in an action governed by Rule 4(i)(2)(B), if the plaintiff has served an officer or employee of the United States sued in an individual capacity.